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**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

WILLIS BOYD ANNIS, III,

Plaintiff

v.

JUSTIN M. CLOUSER, et al.,

Defendants

Case No.: 3:22-cv-00054-MMD -CSD

**Report & Recommendation of  
United States Magistrate Judge**

This Report and Recommendation is made to the Honorable Miranda M. Du, Chief United States District Judge. The action was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and the Local Rules of Practice, LR 1B 1-4.

Plaintiff is an inmate within the Douglas County Jail, and he filed a civil rights complaint pursuant to 42 U.S.C. § 1983. (ECF No. 1-1.)

Plaintiff filed an application to proceed *in forma pauperis* (IFP), but he did not submit his IFP application on the court's form and did not submit the required financial certificate for an inmate seeking to proceed IFP. (ECF No. 1.) On February 28, 2022, the court ordered Plaintiff to file his IFP application for an inmate on the correct form, along with the required financial certificate, or pay the filing fee, within 30 days. The court also noted that if Plaintiff was seeking release from detention, a habeas corpus proceeding is the proper mechanism for him to challenge the legality or duration of his confinement. Therefore, the court ordered that Plaintiff could alternatively notify the court if he intended to pursue a habeas action, which requires a \$5 filing fee or an IFP application on the court's approved form. Plaintiff was cautioned that a failure to timely comply with the court's order would result in a recommendation for dismissal of his action without prejudice. (ECF No. 6.)

1 To date, Plaintiff has not filed an IFP application on the court's form along with the  
2 required financial certificate, paid the filing fee, or notified the court he intends to proceed with a  
3 habeas action. Therefore, this action should be dismissed without prejudice, Plaintiff's improper  
4 IFP application (ECF No. 1) should be denied as moot, and the case should be administratively  
5 closed.

6 **RECOMMENDATION**

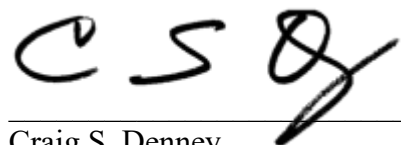
7 IT IS HEREBY RECOMMENDED that the District Judge enter an order **DISMISSING**  
8 this action **WITHOUT PREJUDICE**; **DENYING** the improper IFP application (ECF No. 1) as  
9 moot; and administratively closing this case.

10 Plaintiff should be aware of the following:

11 1. That he may file, pursuant to 28 U.S.C. § 636(b)(1)(C), specific written objections to  
12 this Report and Recommendation within fourteen days of being served with a copy of the Report  
13 and Recommendation. These objections should be titled "Objections to Magistrate Judge's  
14 Report and Recommendation" and should be accompanied by points and authorities for  
15 consideration by the district judge.

16 2. That this Report and Recommendation is not an appealable order and that any notice of  
17 appeal pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure should not be filed  
18 until entry of judgment by the district court.

19 Dated: April 6, 2022

20 

21 Craig S. Denney  
22 United States Magistrate Judge  
23